

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NANCY MARTIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-20-01267-JD
	)	
WALMART,	)	
	)	
Defendant.	)	

**ORDER OF DISMISSAL**

Federal Rule of Civil Procedure 4(m) provides that if a defendant is not served within 90 days after the complaint is filed, the Court must dismiss the action after notice to the plaintiff unless the plaintiff shows good cause for the failure to serve.

On May 11, 2021, the Court issued an order requiring Plaintiff<sup>1</sup> to show cause by May 25, 2021, why she had not timely served Defendant or, alternatively, file proof of service or a waiver of service. [Doc. No. 12]. Plaintiff responded on May 24, 2021, by filing a response to the Court's Order. [Doc. No. 13].

On May 28, 2021, the Court issued an order permissively granting Plaintiff an additional thirty (30) days (or until June 28, 2021) to effect service on Defendant. [Doc. No. 14]. The Court warned that the action may be dismissed if Plaintiff failed to serve

---

<sup>1</sup> Plaintiff is *pro se*. "A pro se litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers." *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, pro se litigants must still follow the same procedural rules that govern other litigants. *Kay v. Bemis*, 500 F.3d 1214, 1218 (10th Cir. 2007). A pro se litigant's ignorance of the rules alone does not excuse them from following the rules. *See Broitman v. Kirkland (In re Kirkland)*, 86 F.3d 172, 176 (10th Cir. 1996).

Defendant within the extended deadline without further show-cause orders from the Court. [*Id.* at 3]. The Court also noted that if Plaintiff was going to seek additional time to serve Defendant, she must file a motion requesting such relief before the expiration of the extended service deadline. [*Id.*].

Plaintiff has not served Defendant within the deadline set by Rule 4(m), as extended by the Court, or timely sought additional time to do so. The Court therefore DISMISSES this action without prejudice and will enter a separate judgment. Because Plaintiff did not timely serve Defendants within 90 days of the filing of this action and did not comply with the Court's Order giving her additional time to effect service, the Court DISMISSES this action without prejudice to refiling under Federal Rule of Civil Procedure 4(m).

IT IS SO ORDERED this 2nd day of July 2021.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", written over a horizontal line.

JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE